UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,048	08/07/2006	Koichi Shimamura	ASA-011	8854

38051	7590	01/18/2008

KIRK HAHN
14431 HOLT AVE
SANTA ANA, CA 92705

EXAMINER
KRISHNAN, VIVEK V

ART UNIT	PAPER NUMBER
4121	

MAIL DATE	DELIVERY MODE
01/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 August 2006</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date <u>04/14/2006 and 03/26/2007</u>.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This is a Non-Final Office Action Correspondence in response to U.S. Application No.

10/576048 filed on August 7, 2006, claiming a U.S. National Stage entry under 35 U.S.C. 371 of

International Application PCT/JP 2004/015138, filed on October 14, 2004, which claims priority

to Japanese Patent Application No. 2003-357885, filed on October 17, 2003. Claims 1-12 are

pending.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by EP

1,176,840 to De Vries (IDS submitted March 26, 2007).

3.   Regarding Claim 1, De Vries discloses **a server apparatus in a presence display**

system comprising the server apparatus and a client apparatus for each user, constituted to

allow the client apparatus to display the states of other users, comprising:

means for holding information indicating the states of each user and location information

that are transmitted by each of the client apparatuses (De Vries; Figure 1, and paragraphs 6-8

and 24-31, discloses a server that holds people and place specific information about a user that is

transmitted by a client apparatus)**;**

means for storing a buddy list that registers other users whose states the user wishes to

watch, for each user (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses the server

storing a buddy list for each user)**; and**

means for transmitting, to each user, information indicating the states of other users

registered in the buddy list and information relating to the distance between the user and

the other users (De Vries; Figure 1, and paragraphs 6-8 and 24-31, discloses the server

transmitting to each user state, location, and proximity information regarding other users

registered in the buddy list)**.**

4.   Regarding Claim 2, De Vries discloses each and every limitation of Claim 1. De Vries

further discloses **wherein the location information includes latitude and longitude**

information (De Vries; Figure 1, and paragraphs 13, discloses the user place information

includes geographical coordinates)**, and the apparatus further comprises:**

means for calculating the distance between the user and the other users registered in the

buddy list on the basis of the latitude and longitude information transmitted by each user

(De Vries; paragraphs 34 and 35, discloses the server calculates the distance between the user

and other users registered in the buddy list)**, and**

determining the proximity of the other users by comparing the calculated distance with a

predetermined threshold value, and wherein the proximity thus determined is transmitted

to the client apparatus as information relating to the distance between the user and the

other users (De Vries; paragraphs 34, 35, and 37, discloses determining the proximity of the

other users based on a predetermined threshold and transmitting the proximity information to the

user).

5.   Regarding Claim 3, De Vries discloses each and every limitation of Claim 2. De Vries

further discloses **wherein the threshold value can be optionally set by each user** (De Vries;

paragraphs 34 and 35, discloses the threshold value may be set by the user).

6.   Regarding Claim 4, De Vries discloses each and every limitation of Claim 2. De Vries

further discloses **wherein the location information further includes address information, and**

address information is transmitted to the client apparatus in addition to the proximity (De

Vries; paragraph 24, discloses location information transmitted also includes whether the place is

the user's home or place of work).

7.   Regarding Claim 5, De Vries discloses each and every limitation of Claim 1. De Vries

further discloses **wherein means for storing information indicating whether a user gives**

consent for information relating to the distance thereof to be transmitted to the other users

is provided for each user, and the information relating to the distance is not transmitted to

the client apparatus of users that have not consented to the transmission of information

relating to distance (De Vries; paragraph 29, discloses the user consenting to place specific

information being provided to other users in order for the server to provide the information).

8.   Regarding Claim 6, De Vries discloses each and every limitation of Claim 4. De Vries

further discloses **wherein means for storing information indicating whether a user gives**

consent for address information thereon to be transmitted to other users is provided for

each user, and the address information is not transmitted to the client apparatus of users

that have not consented to the transmission of address information (De Vries; paragraph 29,

discloses the user consenting to place specific information being provided to other users in order

for the server to provide the information**)**.

9.   Regarding Claim 7, De Vries discloses each and every limitation of Claim 1. De Vries

further discloses **wherein the buddy list is constituted by a plurality of community sets in**

which other users whose state the user wishes to watch are registered in groups (De Vries;

paragraph 29, discloses the buddy list is constituted by a plurality of community sets)**; and**

information indicating the states of the other users registered in a community set

designated by the user and information relating to the distances between the user and the

other users are transmitted to the client apparatus (De Vries; Figure 1, and paragraphs 6-8

and 24-31, discloses the server transmitting to each user state, location, and proximity

information regarding other users registered in the buddy list**)**.

10.   Regarding Claim 10, De Vries discloses **a client apparatus in a presence display**

system comprising a server apparatus and a client apparatus for each user, constituted to

allow the client apparatus to display the states of other users, comprising:

means for transmitting information indicating the state of the user and location

information to the server apparatus (De Vries; paragraph 6, discloses the user transmitting

information indicating the state and location of the user)**;**

means for receiving information indicating the states of other users and information

relating to the distance between the user and the other users from the server apparatus (De

Vries; paragraphs 6-8 and 24-31, discloses the user receiving information from the server

indicating the state, location, and proximity of other users)**; and**

means for displaying the states of the other users in a display form that corresponds with

the distance between the other users and the user on the basis of the information indicating

the states of the other users and information relating to the distance between the user and

the other users thus received (De Vries; paragraph 6, discloses graphically displaying the state,

location, and proximity information determined by the server on the client device)**.**

11.   Regarding Claim 11, De Vries discloses each and every limitation of Claim 10. De Vries

further discloses **wherein the information relating to the distance between the user and the**

other users is the proximity that is determined by comparing the distance between the user

and the other users with a predetermined threshold value (De Vries; paragraphs 34 and 35,

discloses determining the proximity between the user and other users using a predetermined

threshold value)**; and**

the displaying means displays an image corresponding with the information indicating the

states of the other users received from the server apparatus with a size that corresponds

with the proximity (De Vries; paragraphs 6, 34, and 35, discloses graphically displaying the

state, location, and proximity information determined by the server on the client device).

12.   Regarding Claim 12, De Vries discloses each and every limitation of Claim 10. De Vries

further discloses **wherein the information relating to the distance between the user and the**

other users further includes address information, and the displaying means is capable of

displaying the addresses of the other users (De Vries; paragraphs 6 and 24, discloses

graphically displaying the state, location, and proximity information, including address

information, determined by the server on the client device).

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

14.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as

applied to Claim 7 above, and further in view of U.S. Patent No. 6,658,095 to Yoakum et al.

(hereinafter "Yoakum").

15.   Regarding Claim 8, De Vries discloses each and every limitation of Claim 7. De Vries

does not explicitly disclose, but Yoakum discloses **wherein a relative presence setting table,**

which associates and stores information indicating the state of the user and information indicating states transmitted to the other user in accordance with the community sets to which the other users that have registered the user in a buddy list belong, is provided for each user; and when information indicating the states of each user is transmitted to other users that are watching the state of the user, information indicating states corresponding with the community sets of the other users is transmitted by referencing the relative presence setting table (Yoakum; column 2 lines 31-54 and column 7 lines 1-35, discloses a presence system that transmits different presence information to different users or groups of users based on the same state information using rules management logic which is referenced to evaluate the state information and provide the different presence information).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a presence system, as disclosed by De Vries, to include a relative presence setting table, as disclosed by Yoakum.

One of ordinary skill in the art at the time the invention was made would have been motivated to make this combination in order to provide different presence information to different users (Yoakum; column 2 lines 22-29).

16.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Vries as applied to Claim 1 above, and further in view of U.S. Patent Application Publication No. 2004/0170263 A1 to Michael et al. (hereinafter "Michael").

17.   Regarding Claim 9, De Vries discloses each and every limitation of Claim 1. De Vries

does not explicitly disclose, but Michael discloses **means for creating a list of other users that**

are watching the state of the user and transmitting the list to the user in accordance with a

request from the user (Michael; paragraphs 19 and 21, discloses creating a watcher list and

transmitting the list to the user for authorization).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify a presence system, as disclosed by De Vries, to include a watcher list and

transmitting the watcher list to a user, as disclosed by Michael.

One of ordinary skill in the art at the time the invention was made would have been

motivated to make this combination in order to more effectively provide presence information

(Michael; paragraph 4).

Conclusion

18.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S. 2007/0288852 A1 to Fish - Discloses notification of presence and location information to a

user.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to VIVEK KRISHNAN whose telephone number is (571)270-5009.

The examiner can normally be reached on Monday through Friday from 7:30 AM to 5:00 PM

EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VK

/Taghi T. Arani/
Supervisory Patent Examiner, Art Unit 4121
1/17/2007